

1-1 By: Hamilton (Senate Sponsor - Staples) H.B. No. 1812  
1-2 (In the Senate - Received from the House May 10, 2005;  
1-3 May 12, 2005, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 21, 2005, reported favorably by  
1-5 the following vote: Yeas 5, Nays 0; May 21, 2005, sent to  
1-6 printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to annexation and incorporation procedures for certain  
1-10 unincorporated areas in certain counties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 43.851, Local Government Code, is  
1-13 amended by adding Subdivision (2-a) to read as follows:

1-14 (2-a) "Affected unincorporated area" means the  
1-15 unincorporated area located within the circumference of a circle,  
1-16 the center of which is the intersection of State Highways 87 and 12  
1-17 in Newton County, and the radius of which is six miles.

1-18 SECTION 2. Sections 43.852, 43.853, and 43.854, Local  
1-19 Government Code, are amended to read as follows:

1-20 Sec. 43.852. ANNEXATION PROCEDURES. Notwithstanding  
1-21 Section 43.052(h), an affected municipality may not annex all or  
1-22 part of an affected unincorporated ~~[the] area [located within the~~  
1-23 ~~Mauriceville boundary]~~ unless the affected municipality:

1-24 (1) includes the affected unincorporated area in its  
1-25 municipal annexation plan; and

1-26 (2) complies with:

1-27 (A) Sections 43.052(a)-(g) and (i)-(j);

1-28 (B) Section 43.853; and

1-29 (C) other provisions of law relating to  
1-30 annexation.

1-31 Sec. 43.853. NOTICE: INCLUDING AREA IN PLAN. (a) An  
1-32 affected municipality that adopts or amends its municipal  
1-33 annexation plan to include all or part of an affected  
1-34 unincorporated [the] area [located within the Mauriceville  
1-35 boundary] must comply with this chapter and all other requirements  
1-36 of law relating to the adoption or amendment of a municipal  
1-37 annexation plan.

1-38 (b) Before the 90th day after the date an affected  
1-39 municipality adopts or amends its municipal annexation plan to  
1-40 include all or part of the affected unincorporated area ~~[located~~  
1-41 ~~within the Mauriceville boundary]~~, the municipality shall post a  
1-42 notice of the proposed annexation in at least three public places  
1-43 within the affected unincorporated area [Mauriceville boundary].  
1-44 The notice must remain posted for at least seven consecutive days.  
1-45 The first day of posting must occur before that 90th day.

1-46 (c) On or before the 90th day after the date an affected  
1-47 municipality adopts or amends its municipal annexation plan to  
1-48 include all or part of the affected unincorporated area ~~[located~~  
1-49 ~~within the Mauriceville boundary]~~, the municipality shall publish a  
1-50 notice of the proposed annexation in at least two newspapers of  
1-51 general circulation within the affected unincorporated area  
1-52 [Mauriceville community]. The municipality shall publish a second  
1-53 notice in the same manner not less than 7 days and not more than 14  
1-54 days after the first notice is published. If the affected  
1-55 unincorporated area is located within the Mauriceville boundary,  
1-56 the municipality shall publish the notice as provided by this  
1-57 subsection in at least two newspapers of general circulation within  
1-58 the Mauriceville community.

1-59 Sec. 43.854. NOTICE: REMOVING AREA FROM PLAN. (a) An  
1-60 affected municipality that adopts or amends its municipal  
1-61 annexation plan to remove all or part of an affected unincorporated  
1-62 ~~[the] area [located within the Mauriceville boundary]~~ must comply  
1-63 with this chapter and all other requirements of law relating to the  
1-64 adoption or amendment of a municipal annexation plan.

2-1 (b) Before the 90th day after the date an affected  
2-2 municipality adopts or amends its municipal annexation plan to  
2-3 remove all or part of the affected unincorporated area [~~located~~  
2-4 ~~within the Mauriceville boundary~~], the municipality shall post a  
2-5 notice of the removal in at least three public places within the  
2-6 affected unincorporated area [~~Mauriceville boundary~~]. The notice  
2-7 must remain posted for seven consecutive days. The first day of  
2-8 posting must occur before that 90th day.

2-9 (c) On or before the 90th day after the date an affected  
2-10 municipality adopts or amends its municipal annexation plan to  
2-11 remove all or part of the affected unincorporated area [~~located~~  
2-12 ~~within the Mauriceville boundary~~], the municipality shall publish a  
2-13 notice of the removal in at least two newspapers of general  
2-14 circulation within the affected unincorporated area [~~Mauriceville~~  
2-15 ~~community~~]. The municipality shall publish a second notice in the  
2-16 same manner not less than 7 days and not more than 14 days after the  
2-17 first notice is published. If the affected unincorporated area is  
2-18 located within the Mauriceville boundary, the municipality shall  
2-19 publish the notice as provided by this subsection in at least two  
2-20 newspapers of general circulation within the Mauriceville  
2-21 community.

2-22 SECTION 3. Section 43.855(a), Local Government Code, is  
2-23 amended to read as follows:

2-24 (a) Except as provided by Subsection (b), if an application  
2-25 or petition to incorporate all or part of an affected  
2-26 unincorporated [~~the~~] area [~~within the Mauriceville boundary~~] is  
2-27 filed with the county judge:

2-28 (1) a community may be incorporated within the  
2-29 affected unincorporated area [~~Mauriceville boundary~~] under the  
2-30 procedures prescribed by law; and

2-31 (2) the county judge shall order an incorporation  
2-32 election under the procedures prescribed by law.

2-33 SECTION 4. This Act takes effect immediately if it receives  
2-34 a vote of two-thirds of all the members elected to each house, as  
2-35 provided by Section 39, Article III, Texas Constitution. If this  
2-36 Act does not receive the vote necessary for immediate effect, this  
2-37 Act takes effect September 1, 2005.

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